

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In re)
Michelle Lam) Case No. 20-12965
Debtor.) Chapter 7
) Hon. Timothy A. Barnes,
) Bankruptcy Judge

NOTICE OF MOTION

To: Michelle Lam
2118 N. KEELER AVENUE, APT 1
Chicago, IL 60639

Gilbert Rivera (CM/ECF)
Patrick Layng, United States Trustee (CM/ECF)

PLEASE TAKE NOTICE that on **Monday, July 27, 2020 at 1:00 P.M.**, I will appear before the Honorable Timothy A. Barnes or any judge sitting on that judge's place and present the **TRUSTEE'S OBJECTION TO EXEMPTION** a copy of which is attached.

The motion will be presented telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it to be called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Date: July 20, 2020

DAVID P. LEIBOWITZ, not individually, but as
the Chapter 7 Trustee of the Debtor's Estate

By: /s/ David P. Leibowitz

David P. Leibowitz (IL 1612271)
Law Offices of David P. Leibowitz, LLC
53 W Jackson Blvd – Suite 1115
Chicago, IL 60604
312-662-5750 (During COVID-19 Crisis – 847-334-6116)
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CERTIFICATE OF SERVICE

On July 20, 2020, the undersigned certifies that on this date, she caused a copy of the above document to be served upon each person shown on the foregoing Notice, by United States Mail, with postage prepaid, at Chicago, Illinois. Those marked with an * were served via the Court's ECF System.

/s/ David P. Leibowitz

Attorney

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Trustee's Objection to Exemption

David P. Leibowitz, Trustee, hereby objects to the claimed exemption of Debtor in the amount of \$4,000 as it relates to Debtor's real estate.

In support of this motion, Trustee states as follows:

Jurisdiction

1. This Court has jurisdiction over the pending chapter 7 case by reason of 28 U.S.C. §§ 157 and 1334. The District Courts have jurisdiction over all cases under title 11 of the United States Code. By Local Rule of the District Court and 28 U.S.C. § 157(a), all cases under title 11 have been referred to the Bankruptcy Courts for this District.

2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b) (2) (A).

4. Debtor filed her chapter 7 case on June 25, 2020.

5. Movant has been appointed interim Chapter 7 trustee. The meeting of creditors pursuant to Section 341 of the Bankruptcy Code has not yet been held. It is not anticipated that any other trustee will be elected at the meeting of creditors to be held on August 4, 2020.

6. Debtor claims an exemption in the amount of \$4,000 in and to real estate located at 2118 N. Keeler Avenue, Chicago (“Real Estate”), Illinois pursuant to 735 ILCS 5/12-1001(b), the Illinois “wild card” exemption.

7. However, by its terms, the “wild card” exemption is available only for personal property. 735 ILCS 5/12-1001 begins with the words “1001. Personal property exempt”.

8. Accordingly, the Illinois Wild Card exemption might not be used to protect equity in real estate.

9. For the foregoing reasons, Trustee prays that the exemption claimed as to the Real Estate pursuant to 735 ILCS 5/12-1001(b) be disallowed.

/s/ David P. Leibowitz

Trustee

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